

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Action No. 5:94CR96
(STAMP)

PAUL A. LEE,

Defendant.

ORDER AFFIRMING AND ADOPTING
ORDER OF MAGISTRATE JUDGE

In 1995, after pleading guilty to conspiracy to possess with intent to distribute crack cocaine, distribution of crack cocaine and possession with intent to distribute crack cocaine, defendant Paul A. Lee was sentenced to a term of 200 months incarceration on each of the three counts to run concurrently with each other. On May 4, 2007, the defendant filed a motion for discovery for interception of wire. On November 7, 2007, Magistrate Judge Seibert issued an order denying defendant's motion for discovery for interception of wire. On November 16, 2007, the defendant filed an appeal to this Court of the magistrate judge's order.

Following a de novo review of the defendant's motion and objections, this Court affirms and adopts the order of the magistrate judge. The defendant's objection that the magistrate judge misunderstood 18 U.S.C. § 2516 is without merit. The magistrate judge correctly concluded that the code sections upon which the defendant relies in his motion do not apply to the defendant's case because the defendant entered a guilty plea.

Accordingly, the defendant's motion for discovery for interception of wire is DENIED.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to the defendant and to counsel of record herein.

DATED: June 2, 2008

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE